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The court held that a mere bid in a distant market, without proof of attending circumstances, is not competent evidence as to value of the property in question. *Whitney v. Thacher*, 117 Mass. 527; *Hanna v. Sanford*, 20 W. Dig. 288. The proper measure of damages was the difference between the price agreed to be paid and the market value of the stock at the contracted date of delivery. Interest is sometimes added. *Gibbons v. U. S.*, 8 Wall 269; 5 *Am. & Eng. Ency.* 630. The dissenting judges held that in absence of other evidence a reference to a distant market is justified. *Gregory v. McDowal*, 8 Wend. 435; *Durst v. Burton*, 47 N. Y. 167. They also contended that a bid is a fair basis of estimation, as it is generally below actual value.

DIVORCE—CRUELTY—HAIGHT v. HAIGHT, 82 N. W. 443 (Iowa).—*Held*, frequent and false charges of adultery made against a wife by her husband constitute cruelty for which a divorce may be granted.

The earlier courts were loath to consider this sufficient ground. False charges of adultery and obscene epithets do not constitute cruelty sufficient for the granting of a divorce. *Shaw v. Shaw*, 17 Ct. 189; *Harding v. Harding*, 22 Md. 337. There has been a tendency to change, and now a false and malicious charge of adultery is generally held sufficient cruelty. *Am. Eng. Ency. of Law* (2d ed.), 9-797, and cases cited there.

DIVORCE—DEATH OF PARTY—BEGBIE v. BEGBIE, 60 Pac. Rep. (Cal.) 667.—Where defendant in a divorce proceeding died after the rendering of a decree of divorce in the trial court and before a hearing in the appellate court (an appeal having been granted). *Held*, the action abated, and the relation of husband and wife with the property rights incident thereto was severed, and no review could be had. *Kirchner v. Dietrich*, 110 Cal. 502; *Barney v. Barney*, 14 Ia. 189. But see *Donner v. Howard*, 44 Wis. 82, which intimates that upon death of either party pending an appeal from a judgment granting a divorce, the appeal *would be reviewed* for purpose of protecting persons whose property interests were affected by the judgment.

ELECTRICITY—ACTION FOR CAUSING DEATH—FAILURE TO INSULATE WIRES—THOMAS, ADMINISTRATOR, v. MARYSVILLE GAS CO., 56 S. W. 153 (Ky.).—The defendant supplied the wires of a street railway company with electricity. The railway company failed to properly insulate its wires, thus causing death of plaintiff's intestate. *Held*, the Gas Company could be held liable for damages. Buchanan and DuRella, J. J., dissenting.

This is one of the first cases in which this exact question has been decided. It would seem on principle that where an article was delivered to the vendee he would be liable for damages resulting from it. *Dixon v. Yales*, 2 Nev. & M. 202; *Foster v. Roper*, 111 Mass. 10. A person handling dangerous substances, however, does so at his peril. *Whart. Neg.* § 851, and thus the defendant in handling so dangerous a force as electricity, the nature of which is so little understood by the public, should have used more than ordinary care in seeing that the wires which they charged for the Railway Company were properly protected. *McLaughlin v. Electric Light Co.*, 100 Ky. 178.

EXCESSIVE SENTENCE—HABEAS CORPUS—DE BARA v. U. S., 99 Fed. Rep. 942.—*Held*, upon habeas corpus proceedings, a sentence for a longer term than allowed by law was void only as to the excess, and discharge was refused. There are two rules, one considering the excessive sentence as an entirety and wholly void; the other holding only the excess void. The former was held in *Ex parte Kelly*, 65 Cal. 154; *Ex parte Page*, 49, Mo. 291; and *Ex parte Bernert*, 7 Pac. C. L. I. 460; the latter obtains in Alabama, Georgia, Kansas, Maine, Massachusetts, New York, West Virginia, Wisconsin, Virginia, and the Federal Courts. Sennott's Case 146 Mass. 489, *In re Graham*, 74 Wis. 450; *People v. Baker*, 89 N. Y. 460, and *Ex parte Max*, 44 Cal. 579.